

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**MARK PERKINS**

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**CASE NO. 2:13 cv 00367**

**PLAINTIFF,**

\*

**JUDGE MICHAEL H. WATSON**

**v.**

**MAGISTRATE JUDGE TERENCE  
P. KEMP**

**MICHAEL MERRILEES, et al.**

\*

**DEFENDANTS.**

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**DEFENDANTS' NOTICE OF  
DEPOSITION DUCES TECUM OF  
PLAINTIFF**

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To: Plaintiff Mark Perkins  
c/o Sharon Cason-Adams  
1335 Dublin Road, Suite 104D  
Columbus, OH 43215

Please take notice that counsel for Defendants will take the discovery deposition of Plaintiff Mark Perkins on **Friday, May 6, 2016, beginning at 9:00 a.m. (EST) at the offices of Freund, Freeze & Arnold, 65 East State Street, Suite 800, Columbus, Ohio 43215**. Said deposition will be taken upon oral examination pursuant to the Ohio Rules of Civil Procedure, in the presence of a Notary Public, or some other officer authorized by law to administer oaths, and will continue from day to day until completed.

Pursuant to Ohio Rule of Civil Procedure 30(B)(4), Plaintiff is required to produce at the time of the deposition, the described records, documents, and things listed below:

**DOCUMENTS TO BE PRODUCED**

1. All documents supporting Plaintiff's claim for "Discrimination and Retaliation Violation of 38 USC § 4301 et seq" as set forth in Count 1 of Plaintiff's Complaint.
2. All documents supporting Plaintiff's claim for "Violation of Ohio Revised Code § 5923.05(A)" as set forth in Count 2 of Plaintiff's Complaint.

3. All documents supporting Plaintiff's claim for "Violation of Ohio R.C. § 5923.05" as set forth in Count 3 of Plaintiff's Complaint.
4. All documents supporting Plaintiff's claim for "Violation of Open Records Laws" as set forth in Count 4 of Plaintiff's Complaint.
5. All documents supporting Plaintiff's claim for "Intentional Infliction of Emotional Distress" as set forth in Count 5 of Plaintiff's Complaint.
6. All documents supporting Plaintiff's claim for "Violation of ORC Chapter 4112 Disability Discrimination" as set forth in Count 6 of Plaintiff's Complaint.
7. All documents supporting Plaintiff's claim for "Violation of the Fair Labor Standards Act" as set forth in Count I (sic) at paragraphs 282-286 of Plaintiff's Complaint.
8. All documents in any way referenced in Plaintiff's Complaint.
9. All documents supporting the "Facts" alleged in Plaintiff's proposed Amended Complaint at paragraphs 22-217.
10. All documents supporting Plaintiff's claim for "Discrimination under 38 U.S.C. §§ 4311(a)" as set forth in the First Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 218-223.
11. All documents supporting Plaintiff's claim for "Failure to Reemploy pursuant to 38 U.S.C. § 4312 and § 4313" as set forth in the Second Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 224-233.
12. All documents supporting Plaintiff's claim for "Retaliation per 38 U.S.C. § 4311(b)" as set forth in the Third Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 234-239.
13. All documents supporting Plaintiff's claim for "Failure to Promote per 38 U.S.C. § 4311(a)" as set forth in the Fourth Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 240-245.
14. All documents supporting Plaintiff's claim for "Denial of Right to Use Accrued Leave While on Military Duty pursuant to 38 U.S.C. § 4316(d)" as set forth in the Fifth Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 246-251.

15. All documents supporting Plaintiff's claim for "Harassment in Violation of ORC § 4112 et seq." as set forth in the Sixth Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 252-261.
16. All documents supporting Plaintiff's claim for "Retaliation in Violation of ORC § 4112 et seq." as set forth in the Seventh Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 262-269.
17. All documents supporting Plaintiff's claim for "Discrimination in Violation of ORC § 4112 et seq." as set forth in the Eighth Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 270-283.
18. All documents supporting Plaintiff's claim for "Deprivation of Pay and Benefits in Violation of ORC § 5923.05" as set forth in the Ninth Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 284-302.
19. All documents supporting Plaintiff's claim for "Disability Discrimination in Violation of ORC § 4112 et seq." as set forth in the Tenth Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 303-314.
20. All documents supporting Plaintiff's claim for "Violation of Ohio's Open Records Law" as set forth in the Eleventh Cause of Action of Plaintiff's proposed Amended Complaint at paragraphs 315-326.
21. All documents supporting each claim for damages as set forth in the Prayer for Relief contained in Plaintiff's proposed Amended Complaint.
22. All documents not otherwise addressed in the previous requests that in any way support any of Plaintiff's claims against Defendants.
23. All documents not otherwise addressed in the previous requests that in any way support Plaintiff's damages and/or injuries in this lawsuit.
24. All documents not otherwise addressed in the previous requests that will be used by Plaintiff during the discovery process or at the trial in this lawsuit.

Respectfully submitted,

*/s/ Jennifer L. Wilson*

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served on the following via the Court's electronic filing system on this 4<sup>th</sup> day of May, 2016:

Sharon Cason-Adams  
Adams & Liming, LLC  
1335 Dublin Road, Suite 104D  
Columbus, OH 43215

Michael Macomber  
TULLY RINKEY, PLLC  
441 New Karner Road  
Albany, NY 12205

*/s/ Jennifer L. Wilson*

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Jennifer L. Wilson (0071376)